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FAX TRANSMISSION COVER SHEET

Date: March 13, 2008

To: Examiner Beth Van Doren
Art Unit: 3623

Fax: (571) 273-8300

Re: Examiner's Interview via Telephone – 3:00P.M., March 13, 2008
With: Steven M. Colby
Application Serial No.: 09/416,278
Inventor: Bradley S. Templeton

Sender: Melinda Tompkins

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To:
Examiner Beth Van Doren
Art Unit 3623
Tel: 571-272-6737
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From:
Steven M. Colby
Reg. No. 50,250
Tel: 650-324-1677

Re:
Application No. 09/416,278
Filed: 14-OCT-1999
First Named Inventor: Bradley S. Templeton

Proposed Agenda for Examiner Interview

An Examiner interview is scheduled for 3:00PM March 13, 2008. Following is a proposed agenda.

1) Regarding Claim 88:

It appears to be the Examiner's opinion that one of the elements of Claim 88 does not occur, and therefore, there is no need to show a teaching of this limitation with in the prior art. Specifically, the Examiner states "Therefore, if the first "if" condition in the claim of the requester being available, then the other 'if' statement of the requester not being available would not occur within the scope of the claim. ... Thus, since the requester is available, the limitation 'if the requester is unavailable, then waiting until a time the requester becomes available' will not occur."

The Applicant would like to discuss the point that there are conditions under which both of the above limitations will occur. Specifically, if the requester is unavailable, then nothing will happen in the first "if" statement but in the second "if" statement the method includes "waiting until a time the requester become available" **will** occur. As such, the Examiner must show **both** these limitations within the prior art, or allow Claim 88 and those claims that depend therefrom.

2) The Applicant would like to discuss the differences between "priority" and availability. These differences may be illustrated by focusing on the arguments made with respect to Claims 1 and 91. With respect to Claim 91, on page 3 of the current Office Action, the Examiner appears to equate position in a queue with available, e.g., "the second requester is available to the common party (the target) before the first requestor based on the prioritized queue." With respect to Claim 1, on page 4 of the current Office Action, the Examiner states "availability status is the readiness of a requester (in terms of their condition). This readiness can be their position in relation to others. This readiness can also include the condition of available or not available." The Applicant would like to discuss how the Examiner believes that position in a queue, e.g., first, second ... or last, of a request for a meeting teaches the "readiness of the requester." For example, it is unclear to the Applicant how the readiness of the requestor would change as the position of the request in the queue changes. In the prior art the requestor appears to be ready as long as they are in the queue. If anything, the existence and progression of the queue is a function of the availability of the target rather than the readiness of the requestor. In other words, in the prior art the requestor is always ready to talk to the target as long as they are in the queue, and the position in the queue is a function of the target's readiness to talk to the requestor. For example, advancement in the queue is a function of the target's becoming ready to talk to the next requestor, not a change in the requestor's readiness.

Further, the Applicant would like to discuss how the Examiner believes one can have a queue priority of "available or unavailable," in contrast with first, second, ... last etc.

3) On page 18 of the Amendment filed on Dec. 6 2007 the Applicant pointed out two arguments that had previously been presented and not responded to by the Examiner. The Examiner has again not responded to these arguments. The Applicant would like to discuss each of these arguments in detail in order to place any issues in condition for appeal.

4) On page 9 of the current Office Action the Examiner requests clarification with regard to Claim 92. The Applicant would like to provide this clarification.

5) On pages 6-7 of the current Office Action the Examiner states "Examiner does not agree that the limitations of claim 78 require that a caller is a party to more than one request. Rather, to the contrary, the claim asserts that the requester R-A or R-B is a non-common requester. Further, claim 78 states 'wherein a non-common requester R-A or R-B is a party to another, distinct meeting request.'" The Examiner appears to be confused by the notations R-A and R-B and "common."

To clarify, by characterizing R-A and R-B as non-common, then T-A and T-B must be the common party because as recited in Claim 1, at least one of (R-A and R-B) or (T-A and T-B) are common. As such the requests by R-A and R-B must be made to the same common target. These requests are, therefore, not distinct because they are directed at the same target. As the language of Claim 78 states that one of the requestors is "party to another, distinct meeting request," that requestor must be a party to more than one request. The Applicant believes that working through this logic during the interview will be very beneficial to the prosecution of the application.

6) In regard to Claim 56, the Examiner states that "[i]n claim 56, it is not required that the user has specified a specific target, but rather in the broadest reasonable interpretation the user could merely have been queued with the target." This appears to be a misreading of the Applicant's argument. On page 26 of the Response to Office Action Filed December 6, 2007, the Applicant stated "[b]ecause, it is not known in Gisby which agent the requestor may eventually be connected it cannot be know which agents status to be displayed to the requestor." The Applicant has not suggested that Claim 56 requires that the user has specified a specific target.

The Applicant does argue that:

- a) In Vaio's it is possible to display the availability status of the target a requestor will eventually be connected with only because that target has been specified (by one of many alternative mechanisms) while the requestor is waiting.
- b) In contrast, in Gisby, it isn't known which target a requestor will eventually be connected with in because this is a function of which target becomes available first after the requestor has reached the first position in the queue. Gisby specifically teaches this approach. For example, Gisby is quite specific that "[d]estinations, in the call center agent stations are selected on a basis of agent availability," (abstract) This "maximizes efficiency of call centers," (Col. 3 lines 25-26).
- c) To specify which target a requestor will eventually be connected to in Gisby would mean that the target is selected on a basis other than agent availability. This results in a less than maximum efficiency of call centers and would, thus, be contrary to the teachings of Gisby.
- d) In order to combine the teaching of Vaio's, of displaying the availability status of the target the requestor will eventually be connected to, with the teachings of Gisby, the teachings of Gisby would have to be modified such that the target the requestor will eventually be connected to is known in advance. This is required because otherwise the system would not know which targets availability to display. However, as discussed in c) above, such a modification would be

contrary to the teachings of Gisby and fail to "maximize[] efficiency of call centers."

- e) The proposed modification of Gisby using the teachings of Vaios is, therefore, contrary to the teachings of the cited art and the rejection under 103(a) should be withdrawn.

7) In regard to Claim 83, the Examiner states that "Vaios ... teaches multiple requests to multiple agents are queued by the same requester system. Examiner is not clear how this does not meet the limitations of claim 83, which requires that the same requestor be a party to multiple meetings (M-A and M-)." "

To clarify, the Applicant points out that in Vaios once one of the meetings are connected the others are cancelled. See for example, Col. 6 lines 6-10 which state "[i]f, however, additional queued requests were spawned as part of a multiple-agent or multiple-resource request on behalf of this caller, then in a step 424, all of the remaining pending requests are deleted from the system. Thus, only one of the meetings occurs and Vaios does not teach the claim limitations "and the common party participates in both of the meetings M-A and M-B."